

Amendment No. 1 to SB0739

Yager
Signature of Sponsor

AMEND Senate Bill No. 739

House Bill No. 594*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(38), is amended by adding the following as a new subdivision (N):

(N) "Urban park center" also means:

(i) A commercially operated facility having all of the following characteristics:

(a) The facility is located on land that is between one and one-half (1½) acres and that is adjacent to land owned by the electric power board of a county with a metropolitan form of government;

(b) The facility has at least two (2) permanent structures constructed before 1978 and at least twenty-five thousand square feet (25,000 sq. ft.) of climate controlled space;

(c) The facility formerly housed a custom car design business that had been serving the automotive community since 1968;

(d) The facility is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000) according to the 2010 federal census or any subsequent federal census;

(e) The facility is approximately five thousand ninety feet (5,090') to the northeast of a federal interstate highway;

Amendment No. 1 to SB0739

Yager
Signature of Sponsor

AMEND Senate Bill No. 739

House Bill No. 594*

(f) The facility is approximately five thousand nine hundred sixty feet (5,960') to the northwest of a navigable waterway; and

(g) The facility is approximately three hundred fifty feet (350') to the southwest from the main building of a high school that was originally constructed before 1933;

(ii) The premises of any facility described under this subdivision (38)(N) means any or all of the property that constitutes the facility, including all buildings and outdoor areas between and around those buildings. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. An urban park center, as described in subdivision (38)(N)(i), may grant a franchise to one (1) or more entities authorizing such an entity to provide food or beverages, including alcoholic beverages, on its premises. A franchisee is deemed to be an urban park center under this subdivision (38)(N) and shall apply for and hold a license under this subdivision (38)(N). The commission shall enforce the provisions of chapter 4 of this title against each franchisee as a licensee under this subdivision (38)(N) and shall not cite, penalize, or take any other adverse action against a franchisee for any violation committed by another franchisee on the licensed premises. There is a rebuttable presumption of liability for a specific franchisee for any underage sale based on the specific type of glass or the brand on the cup provided to the minor. In the absence of a glass or cup identifying the

franchisee, the commission may determine which franchisee to cite for an underage sale. If the commission is unable to determine which franchisee committed the violation after conducting a reasonable investigation, the commission may issue a citation to one (1) or more franchisees that share the common space where the violation occurred;

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility described under this subdivision (38)(N) means, for the purpose of obtaining a beer permit, any or all of the property that constitutes the facility, including all buildings and outdoor areas between and around those buildings. The beer permittee shall designate the premises to be licensed by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. An urban park center, as described in subdivision (38)(N)(i), may grant a franchise to one (1) or more entities authorizing such an entity to provide food or beverages, including beer, on its premises. A franchisee is deemed to be an urban park center under this subdivision (38)(N) and shall apply for and hold a beer permit. The beer board shall enforce the provisions of chapter 5 of this title against each franchisee as a beer permittee and shall not cite, penalize, or take any other adverse action against a franchisee for any violation committed by another franchisee on the licensed premises. There is a rebuttable presumption of liability for a specific franchisee for any underage sale based on the specific type of glass or the brand on the cup provided to the minor. In the absence of a glass or cup identifying the franchisee, the beer board may determine which franchisee to cite for an underage sale. If the beer board is unable to determine which franchisee committed the violation after conducting a reasonable investigation, the beer

board may issue a citation to one (1) or more franchisees that share the common space where the violation occurred; and

(iv) The licensee described in subdivision (38)(N)(i) and any franchisee licensed under this subdivision (38)(N) may store beer and alcoholic beverages in a central storage location in the facility. Each licensee shall store its inventory of beer and alcoholic beverages in a separately locked cage or other storage area.

SECTION 2. Tennessee Code Annotated, Section 57-4-301(b)(3), is amended by deleting "57-4-102(38)(G)-(K)" and substituting instead "§ 57-4-102(38)(G)-(K) and (N)".

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.